

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PITTSBURGH LEAGUE OF YOUNG)
VOTERS EDUCATION FUND and)
AMERICAN CIVIL LIBERTIES)
FOUNDATION OF PENNSYLVANIA,)

Plaintiffs,)

v.)

02: 06cv1064

PORT AUTHORITY OF ALLEGHENY)
COUNTY; and ANTHONY J. HICKTON,)
Director of Sales,)

Defendants.)

ORDER OF COURT

During the post summary judgment status conference with counsel today, a question arose as to what issue(s) remain outstanding for resolution at trial. Plaintiffs argue that two issues regarding Defendants' Advertising Policy remain pending: (i) Reasonableness as Applied and (ii) Viewpoint Discrimination as Applied. Defendants respond that only one issue remains unresolved, *to wit*: Viewpoint Discrimination as Applied.

After deliberate reflection of the oral arguments presented by counsel, as well as a thorough review of the Opinion and Order of Court issued August 14, 2008, the Court stands by its Opinion as originally drafted. In that Opinion, the Court determined that Defendants' application of its Policy was reasonable with regard to Plaintiffs' proposed non-commercial ex-offender voter-education advertisement. The ultimate and only issue remaining for trial, therefore, is the factual determination of whether Defendants engaged in viewpoint

discrimination in the application of the Policy when they rejected Plaintiffs' proposed ex-offender voter-education advertisement.

So **ORDERED** this 3rd day of September, 2008.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

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